

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GINA ANNE NOEL PANE, :
Plaintiff, : No. 07 Civ. 3216 (WP4)(LMS)
-against- :
THE TOWN OF GREENBURGH, JOHN KAPICA, :
in his capacity as Chief of the Greenburgh Police
Department, ERIK WARD, POLICE OFFICER :
MICHAEL MUESSER, SERGEANT ROBERT
GRAMAGLIA, SERGEANT FRANCIS PUMILLO, :
DETECTIVE PAUL FERTIG, JOHN DOE POLICE
OFFICERS 1-10 so named as their identities have :
yet to be established, :
Defendants.
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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of Jonathan Bandler, dated February 11, 2008, and the accompanying Memorandum of Law, and upon all the pleadings and proceedings had herein, nonparty witness Jonathan Bandler, by and through his undersigned attorneys, Satterlee Stephens Burke & Burke LLP, will move this Court, at the United States Courthouse located at 300 Quarropas Street, White Plains, New York, on February 29, 2008, at 11:15 a.m., for an order, pursuant to Fed. R. Civ. P. 45, quashing and/or modifying the subpoena issued by plaintiff Gina Pane to Bandler dated January 24, 2008, on the grounds, inter alia, that all information sought therein is protected from disclosure by the journalist's privilege under the New York Shield Law, N.Y. Civ. Rts. L. § 79-h; Article I, § 8 of the New York Constitution; the First Amendment to the United States Constitution; and federal common law, and for such other and further relief as this Court deems proper.

Pursuant to stipulation, Plaintiff's answering papers shall be served by hand, by facsimile, or by overnight courier so as to be received by February 20, 2008, and Mr. Bandler's reply papers shall be served by hand, by facsimile, or by overnight courier so as to be received by February 27, 2008.

Dated: New York, New York
February 13, 2008

SATTERLEE STEPHENS BURKE & BURKE LLP

By: _____/s/

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